

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X
	:
ERWIN ARRIASA CARRERA,	:
	:
Plaintiff,	:
	:
– against –	:
	:
	:
J&R EARTH, INC. (D/B/A J&R	:
EARTHWORKS), JBD CONTRACTING, INC.	:
(D/B/A J&R EARTHWORKS), JACK	:
DASILVA, and RUSELL GRITZMACHER	:
	:
Defendants.	:
-----	X

ANN M. DONNELLY, United States District Judge:

On June 10, 2024, counsel for the plaintiff informed the Court that the plaintiff died on May 25, 2024. (ECF No. 13.) Federal Rule of Civil Procedure 25(a) provides that an action “must be dismissed” if no party moves for substitution of the deceased party “within 90 days after service of a statement noting the death.” Fed. R. Civ P. 25(a)(1). On September 10, 2024, 92 days after the plaintiff’s counsel filed the suggestion of death, the defendant moved to dismiss this action pursuant to Rule 25(a)(1). (ECF No. 17.) Counsel for the plaintiff-decedent reported to the Court that he had tried “to contact Plaintiff’s family for more information regarding his estate but did not receive a response,” and that he was not aware of any “executor or administrator.” (ECF No. 18.) Therefore, he did not oppose the motion. (*Id.*) Accordingly, this action is dismissed without prejudice. The Clerk of Court is respectfully directed to close this case and enter judgment.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
April 17, 2025